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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/233,145	01/19/1999	SHUNPEI YAMAZAKI	0756-1915	7892

7590

07/29/2003

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SUITE 600
MCLEAN, VA 22102

EXAMINER

DUONG, TAI V

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/233,145

Applicant(s)

YAMAZAKI ET AL.

Examin r

TAI DUONG

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) See Continuation Sheet is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 07/897,669.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1-6,13-31,33-36,38-41,43-46,48-51,53-56,58-61,63-66,68-71,73-76,78-81,83-86,88-91,93-96,98-101,103-106,108-111,113-116,118-121,123-126 and 128-130.

Continuation of Disposition of Claims: Claims allowed are 1-6,13-24,31,33,34,36,38,39,41,43,44,46,48,49,51,53,54,56,58,61,63,66,68,71,73,76,78,81,83,86,88,91,93,96,98,101,103,106,108,111,113,116,118,121,123,126 and 128.

Continuation of Disposition of Claims: Claims rejected are 25-30,35,40,45,50,55,59,60,64,65,69,70,74,75,79,80,84,85,89,90,94,95,99,100,104,105,109,110,114,115,119,120,124,125,129 and 130.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recited feature "each of said first and second contact hole is *tapered*" of claims 25, 60 and 65, the recited feature "wherein said second opening is *tapered*" of claim 59, and the recited feature "wherein said first opening is *tapered*" of claim 64 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The specification is objected to because the Brief Summary of the Invention (page 3) is not commensurate with the claimed invention. Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not disclose the limitations "a surface of said pixel electrode is rounded along the rounded edge of said leveling film" of claims 1, 13, 19, 25, 56, 58-61 and 63-65, "each of said first and second contact hole is *tapered*" of claims 25, 60 and 65, "wherein said second opening is *tapered*" of claim 59, and "wherein said first opening is *tapered*" of claim 64.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 25-30, 35, 40, 45, 50, 55, 59, 60, 64, 65 69, 70, 74, 75, 79, 80, 84, 85, 89, 90, 94, 95, 99, 100, 104, 105, 109, 110, 114, 115, 119, 120, 124, 125, 129 and 130 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There does not appear to be a written description in the specification of the claim limitations "each of said first and second contact hole is *tapered*", "wherein said second opening is *tapered*" and "wherein said first opening is *tapered*" in the application as filed. It is noted that Fig. 7(F) shows the edge of the opening (contact hole) is rounded, not *tapered*.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25-30, 35, 40, 45, 50, 55, 59, 60, 64, 65 69, 70, 74, 75, 79, 80, 84, 85, 89, 90, 94, 95, 99, 100, 104, 105, 109, 110, 114, 115, 119, 120, 124, 125, 129 and 130 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Without antecedent basis in the specification and without the drawing showing the limitation, it is unclear what the intended meaning of the term "*tapered*" in the limitations "each of said first and second contact hole is *tapered*", "wherein said second

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opening is *tapered*" and "wherein said first opening is *tapered* of claims 25, 59, 60, 64 and 65 is. The remaining claims are also rejected since they depend on the indefinite claims.

Amended claims 1, 13, 19, 56, 58, 61 and 63 are allowable over the prior art of record because they additionally recite the limitation "a surface of said pixel electrode is *rounded* along the *rounded edge* of said leveling film". See Applicant's remarks on page 11 of the amendment, last paragraph. The term "rounded" is interpreted by the examiner as "curved or circular" as shown in Figs. 7(F) and 9(F). The remaining claims are also allowable because they depend on the allowed claims.

Claims 25-30, 35, 40, 45, 50, 55, 59, 60, 64, 65 69, 70, 74, 75, 79, 80, 84, 85, 89, 90, 94, 95, 99, 100, 104, 105, 109, 110, 114, 115, 119, 120, 124, 125, 129 and 130 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112 set forth in this Office action.

Claims 25-30, 35, 40, 45, 50, 55, 59, 60, 64, 65 69, 70, 74, 75, 79, 80, 84, 85, 89, 90, 94, 95, 99, 100, 104, 105, 109, 110, 114, 115, 119, 120, 124, 125, 129 and 130 would be allowable for the same reasons as those of claims 1, 13, 19, 56, 58, 61 and 63.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Tai Duong at telephone number 703 308-4873.



TVD

07/28/03



TOANTON
PRIMARY EXAMINER